CANUCK LAW
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JANUARY 22, 2022 BY RONNIE

Who Needs Science When We Have “Judicial Notice”? From The Federal Court….

This case was recently brought to the attention of Canuck Law, and it’s worth a read. This isn’t because of some great legal skill or revolutionary insight. It’s because legitimate issues and cases can simply be tossed aside if there is “judicial notice”.

Specifically, this was a Notice of Application brought to challenge the vaccine mandates of the Federal Government. Finally, we see mention in court that this “virus” may not even exist. However, it doesn’t seem to matter, since the Attorney General can ask the Court to “take judicial notice”.

You’d think that the Babylon Beaver wrote the decision, but it’s apparently for real. It’s very disturbing how cases can just be swept aside.

> [1] Mr. Khodeir seeks judicial review of the federal government’s requirement that all its employees be vaccinated against COVID-19. He asserts that this requirement is unreasonable, because he believes that the virus that causes the disease does not exist.

> [2] The Attorney General is asking me to strike Mr. Khodeir’s application at the preliminary stage. He says that ***I should take judicial notice of the existence of SARS-CoV-2, the virus that causes COVID-19. As a consequence, Mr. Khodeir will be unable to prove the central premise of his application***, which is thus bound to fail.

> [6] The Attorney General responded to Mr. Khodeir’s application by bringing a motion to strike, pursuant to Rule 221 of the Federal Courts Rules, SOR/98-106. He asserts that Mr. Khodeir’s application is ***bereft of any possibility of success, because the Court can take judicial notice of the existence of SARS-CoV-2***. He also asserts that Mr. Khodeir has no standing to bring the application, because he is not an employee of the core public administration and cannot claim public interest standing in the circumstances.

> [16] I ***accept the Attorney General’s invitation to take judicial notice of the existence of the SARS-CoV-2 virus, which causes COVID-19. To explain why, I must begin by outlining the contours of the concept of judicial notice***. I then show that the existence of the SARS-CoV-2 virus is beyond reasonable debate and that Mr. Khodeir’s submissions to the contrary are without merit.

> [17] Courts make decisions based on evidence brought in each particular case. ***Some facts, however, are so obvious that courts assume their existence and no evidence of them is required. This is called judicial notice:*** Jean-Claude Royer, La preuve civile (6th ed by Catherine Piché, Cowansville, Yvon Blais, 2020) at paragraphs 139-147 [Piché, La preuve]; Léo Ducharme, Précis de la preuve (6th ed, Montreal, Wilson & Lafleur, 2005) at paragraphs 74-92 [Ducharme, Précis]; Sidney N Lederman, Alan W Bryant and Michelle K Fuerst, Sopinka, Lederman and Bryant: The Law of Evidence in Canada (5th ed, Toronto, LexisNexis Canada, 2018) at paragraphs 19.16-19.63 [Sopinka, Law of Evidence]; David M Paciocco, Palma Paciocco and Lee Stuesser, The Law of Evidence (8th ed, Toronto, Irwin Law, 2020) at 573-583 [Paciocco and Stuesser, Law of Evidence].

CHAPTER II
[Quebec Civil Code]
JUDICIAL NOTICE
2806. No proof is required of a matter of which judicial notice shall be taken.

2808. Judicial notice shall be taken of any fact that is so generally known that it cannot reasonably be questioned.

[23] ***Facts may be notorious even where the decision-maker cannot ascertain them personally***. For example, in R v Khawaja, 2012 SCC 69 at paragraph 99, [2012] 3 SCR 555 [Khawaja], the Supreme Court of Canada took judicial notice of the war in Afghanistan, even though it is highly unlikely that its members, like most Canadians, travelled there to witness the hostilities. The existence of the war is nevertheless notorious because over the years, trusted sources of information have repeatedly mentioned it. Thus, reasonable persons would not doubt that there was a war in that distant country.

[36] Over the last two years, most people on this planet have been affected in various ways by the COVID-19 pandemic. It ***has become common knowledge that COVID-19 is caused by a virus called SARS-CoV-2. Numerous trusted sources of information have repeated this fact, to the point that it is now beyond reasonable dispute.*** There is a lack of debate on this issue in scientific circles.

[37] A fact, however, does not become indisputable by mere repetition. One must consider channels through which the information is conveyed, scrutinized and exposed to criticism, and the fact that these channels operate in a society based on freedom of discussion. This is particularly important in this case because, over the last two years, the COVID-19 pandemic and the public health measures deployed to fight it have been one of the most significant topics of public debate. ***Scientific knowledge about COVID-19 has developed under intense public scrutiny. The existence of the SARS-CoV-2 virus and the fact that it causes COVID-19 are at the root of the matter. As matters related to the pandemic have been debated so thoroughly, it is unimaginable that any actual scientific debate about these basic facts would have escaped public attention***. Moreover, if there was any evidence incompatible with the existence of the virus, one would have expected Mr. Khodeir to provide it to the Court. As we will see later, he utterly failed in this regard.

> [62] In summary, ***the fact that COVID-19 is caused by a virus called SARS-CoV-2 is so notorious that it is beyond reasonable dispute. Like many other judges across Canada, I am taking judicial notice of this fact.*** Despite having had the opportunity to present evidence and submissions, Mr. Khodeir failed to put forward any cogent reason for concluding otherwise.

What it really comes down to: the debate is over.

The Court, which is supposed to be a trier of facts, is unwilling to try facts, simply because other Courts have declared the issue to be over. The problem with precedent (rulings based on previous rulings) is that nonsense decisions become very difficult to overturn, as they are now the standard

We can’t try or examine serious issues since another Court has already determined it to be settled. If you have any faith in the Canadian Judiciary, it’s probably best to rip that bandaid off.

Read the entire decision to make sure no context is missing.

(1) https://www.thelawyersdaily.ca/employment/articles/32863/sars-cov-2-virus-is-real-federal-court-judge-tells-challenger-to-federal-vaccine-mandate
(2) https://www.canlii.org/en/ca/fct/doc/2022/2022fc44/2022fc44.html
(3) Federal Court Virus Never Proven To Exist Who Cares
(4) https://www.canlii.org/en/qc/laws/stat/cqlr-c-ccq-1991/latest/cqlr-c-ccq-1991.html
(5) https://www.fluoridefreepeel.ca/wp-content/uploads/2022/01/decision-T-1690-21_E.pdf
(6) https://www.fluoridefreepeel.ca/fois-reveal-that-health-science-institutions-around-the-world-have-no-record-of-sars-cov-2-isolation-purification/

CANADA, CANADIAN DECISIONS, FOI REQUEST, LAWFARE, SUBVERSION, WARS

One Reply to “Who Needs Science When We Have “Judicial Notice”? From The Federal Court….”

Joshua

JANUARY 23, 2022 AT 1:39 PM

No surprises here. Maybe the Truckers will prove their point, I hope some good comes from all this.